

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ABDUL KARIM AJAMU,
Petitioner,

vs

Case No. 1:11-cv-403

Barrett, J.
Litkovitz, M.J.

STATE OF OHIO, et. al,
Respondents.

**REPORT AND
RECOMMENDATION**

On June 20, 2011, petitioner filed a form complaint against the State of Ohio, Attorney General Mike DeWine, and the Warden of the Chillicothe Correctional Institution. (Doc. 1). Construing the complaint as a challenge to petitioner's 2009 conviction for felonious assault in the Hamilton County, Ohio Court of Common Pleas, the undersigned issued a Deficiency Order on June 22, 2011, directing petitioner to submit a completed habeas corpus petition setting forth the facts of his claims and the relief he is seeking in his case within thirty (30) days. (Doc. 3). Petitioner was further advised that failure to comply with the Order "will result in the dismissal of this case for want of prosecution." (Doc. 3, p. 2). To date, more than thirty (30) days later, petitioner has failed to comply with the Court's Order.¹

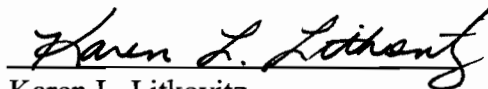
District courts have the inherent power to *sua sponte* dismiss civil actions for want of prosecution "to manage their own affairs so as to achieve the orderly and expeditious disposition of cases." *Link v. Wabash R.R.*, 370 U.S. 626, 630-631 (1962). Failure of a party to respond to

¹ The Court notes that on July 14, 2011, petitioner filed a petition for a writ of habeas corpus attacking his felonious assault conviction, which was docketed under a new case number. *See Abdul Karim Ajamu v. Warden, Chillicothe Corr. Inst.*, Case No. 1:11-cv-474 (Dlott, J.; Bowman, M.J.) (Doc. 1). In the petition, petitioner appears to raise the same grounds for relief as he did in his initial form complaint. *See id.* On July 15, 2011, Magistrate Judge Bowman issued an order for respondent to file a return of writ responding to the allegations of the petition. (*Id.*, Doc. 2).

an order of the court warrants invocation of the Court's inherent power in this federal habeas corpus proceeding. *See* Fed. R. Civ. P. 41(b); *see also* Rule 11, Rules Governing Section 2254 Cases in the United States District Courts, 28 U.S.C. foll. § 2254.

Accordingly, because petitioner has failed to comply with the Order to Show Cause issued on June 22, 2011, it is hereby **RECOMMENDED** that petitioner's petition for a writ of habeas corpus (Doc. 1) be **DISMISSED** for lack of prosecution.

Date: 8/1/2011


Karen L. Litkovitz
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

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